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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,924	05/15/2001	William J. Larkin	13445-102	9466

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PERKINS, SMITH & COHEN LLP  
ONE BEACON STREET  
30TH FLOOR  
BOSTON, MA 02108

EXAMINER

PIERCE, JEREMY R

ART UNIT PAPER NUMBER

1771

DATE MAILED: 11/20/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/855,924

Applicant(s)

LARKIN, WILLIAM J.

Examiner

Jeremy R. Pierce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "non-ionizing points." There is insufficient antecedent basis for this limitation in the claim. The Examiner will assume that the limitation should be "ionizing points."

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or  
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

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4. Claims 1, 2, 5, 6-9, 11-14, 16, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Zins (U.S. Patent No. 4,422,483).

Zins discloses a woven fabric having non-conductive multi-filament warp and weft threads with a minority of warp and weft threads that are conductive from end to end (column 2, lines 33-67). The resulting fabric is capable of dissipating charges that develop on the surface of the fabric (column 14, lines 3-10). With regard to claim 5, Zins disclose using polyester fibers, which are conventional in manufacturing wiping materials (column 4, lines 53-60). With regard to claims 8, 19, and 20, a human being could comprise the connector that connects the fabric to ground. With regard to claims 12-14, the conductive fibers would be present on both surfaces of the fabric. With regard to claim 16, Zins disclose ionizing cords because the conductive and non-conductive strands are ply twisted into multi-filament threads (column 3, lines 28-36).

5. Claims 1-9 and 11-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Fujita et al. (U.S. Patent No. 5,935,882).

Fujita et al. disclose protective goods with electro-conductive yarns arranged lengthwise and additional electro-conductive yarns arranged in a direction intersecting the other yarns (column 5, lines 35-43). The yarns are formed on the outside surface of the fabrics (column 6, lines 1-2). With regard to claims 2, 3, 14, and 15, the yarns may be incorporated into the fabric by weaving or laminated onto the woven fabric through adhesive (column 6, lines 25-39). With regard to claims 4, 16, and 17, the conductive threads may be twisted with the non-conductive threads (column 6, lines 21-24) and then stitched into the fabric (column 6, lines 40-52). With regard to claim 5, the fabric

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may be made of cotton (column 5, line 3). With regard to claims 8, 19, and 20, a human being wearing the fabric would comprise a connector transferring the charge to ground.

6. Claims 1, 3, 5-7, and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Stewart et al. (U.S. Patent No. 5,525,411).

Stewart et al. disclose a fabric that is woven, knit, or nonwoven that has an electrically conductive scrim fabric attached to it (column 2, lines 5-8). With regard to claim 5, the fabric can be made from nylon or cotton (column 1, lines 9-11).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zins or Fujita et al. in view of Larkin (U.S. Patent No. 5,690,014).

Zins and Fujita et al. both fail to disclose a grounding wire connected to the conductive wires. Also, both references fail to disclose an electrical charging means to neutralize the static charge at the surface. Larkin disclose that such methods of eliminating the static charge are well known in the art (column 2, lines 38-56). It would have been obvious to one having ordinary skill in the art to supply a grounding wire or electrical charging means to the fabrics of Zins or Fujita et al. in order to create a means

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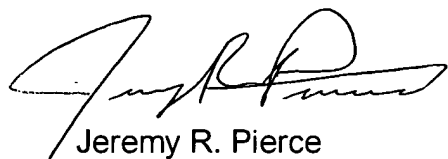
where the static charge is better eliminated from the surface of the fabrics, as taught by Larkin.

### ***Conclusion***

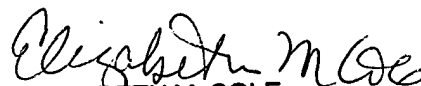
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy R. Pierce whose telephone number is (703) 605-4243. The examiner can normally be reached on Monday-Thursday 7-4:30 and alternate Fridays 7-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (703) 308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Jeremy R. Pierce  
Examiner  
Art Unit 1771

  
ELIZABETH M. COLE  
PRIMARY EXAMINER

November 15, 2002